

APPLICATION NO PA/2020/1511

APPLICANT Mr Keith Selby

DEVELOPMENT Outline planning permission to erect two dwellings with all matters reserved for subsequent consideration

LOCATION 42 Jeffrey Lane, Belton, DN9 1LT

PARISH Belton

WARD Axholme Central

CASE OFFICER Kevin Robinson

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Belton Parish Council

POLICIES

National Planning Policy Framework: The extract of policy from the NPPF represents some of the key paragraphs for this assessment. Please note, however, that this list is not exhaustive.

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- (a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or

- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 – The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 34 – Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 56 – Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

North Lincolnshire Local Plan: DS1, DS7, DS11, RD2, H7, H10, C1, T2, T19, HE9, LC7

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS9, CS17, CS18, CS22, CS26

CONSULTATIONS

Highways: No objections, but recommend conditions relating to access.

Drainage (Lead Local Flood Authority): No objections, but recommend a condition in respect of ground suitability for infiltration.

Severn Trent Water: No objections, but an informative is requested in relation to the lack of public sewers in the locality.

Isle of Axholme and North Nottinghamshire Water Level Management Board: No objection.

Environmental Protection: No objections. However, note that the site is adjacent to a dismantled railway line and has potential for land contamination. A condition to address potential land contamination is therefore recommended.

Recycling Team: Advise that waste and recycling containers will need to be presented at the roadside.

PARISH COUNCIL

Object. Concerns raised that the plot is too small for houses and the entrance to the site is narrow. Consider the plot is more suited to a single property.

PUBLICITY

A notice has been displayed adjacent to the site. No comments have been received.

ASSESSMENT

Outline planning permission is sought to erect two dwellings, with access, appearance, landscaping, layout and scale all reserved for later consideration.

Site characteristics

The application site comprises the rear garden land of 42 Jeffrey Lane in Belton. The site is bordered to the north, east and south by residential properties. To the west is the former railway line, which is now a public right of way.

Planning history

PA/2018/1526: Outline planning permission to erect a single dwelling, with access and layout reserved for subsequent consideration – approved 11 April 2019.

The key issues for this proposal include:

- **the principle of development;**
- **impact upon the character of the area;**
- **impact upon residential amenity;**
- **impact upon highway safety;**

- **land contamination and drainage.**

Principle of development

Belton is identified as a rural settlement within the North Lincolnshire Core Strategy and the site is located within the development limit of the settlement.

Policy CS1 states of these areas: 'Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs.'

Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.'

Furthermore, policy CS2 sets out a sequential approach to land types where development should be focused. It states, '...Small-scale developments within the defined development limits of rural settlements to meet identified local needs' are appropriate.

Policy CS7 is concerned with the overall housing provision of the district. It states that housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities. For rural communities this is based upon 30–35 dwellings per hectare.

Policy CS8 is concerned with the spatial distribution of housing sites. It states that new housing within rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Furthermore, it states of greenfield sites: 'Development on greenfield sites will only be allowed where it can be demonstrated that this will bring additional community benefits, contributing to building sustainable communities and is acceptable in terms of its impact on the high quality environment of the urban space and adjoining countryside.'

The proposal is in outline form for the erection of a pair of semi-detached dwellings to be considered. It is accepted that the proposal is in accordance with the overarching spatial strategy for North Lincolnshire and, subject to a more detailed assessment upon character, the proposal and other policies within the plan, is considered acceptable in principle.

Impact upon the character of the area

Policy DS1 states that a 'high standard of design is expected' and proposals will be considered against two criteria:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area, and
- (ii) the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their

context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policy H5 (concerned with new housing development), policy H7 (relating to backland and tandem developments) and paragraph 127 of the NPPF are also relevant.

In this respect the proposal is located to the rear of the dwellings facing Jeffrey Lane. The properties would be accessed from a private driveway which runs to the side of 42 Jeffrey Lane. Given the existing dwellings behind Jeffrey Lane on Aldam Drive/Hilton Close and the existing grain of development, it is not considered that the proposal would result in any appreciable impacts from being backland development. The proposal indicates that the dwellings would be a pair of semi-detached properties. Whilst the details are held for a future reserved matters submission, it is not considered that there is anything within the proposal or the site which would raise concern that a suitable scheme cannot be achieved.

As such, the proposal is considered to be acceptable in this regard and complies with the requirements of the development plan and guidance in national policy.

Impact upon residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, '...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

Policy H5 also seeks to require that proposals do not result in adverse impacts upon neighbouring amenity.

The proposal would result in two additional dwellings to the rear of the existing dwelling. The properties' final details are reserved for future consideration. However, it is considered, subject to the internal layout and the direction of window openings, that a suitable design could be achieved to respect the residential amenity of neighbouring properties.

The proposal is therefore considered to be acceptable in this regard and complies with policies DS1, H5 and H7.

Impact upon highway safety

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision, as well as general highway safety.

An indicative layout has been provided that shows sufficient space for vehicles to access, park and leave the site in a forward gear. The highways officers have not raised any objections, subject to conditions to control the access. As such, there is not considered to be any conflict with the requirements of policies T2 and T19.

Land contamination and drainage

With regard to land contamination and drainage, the site is located to the rear garden of existing dwellings. Being situated adjacent to a former railway line, it is considered that there is potential for ground contamination.

Policy DS7 of the North Lincolnshire Local Plan is concerned with land contamination. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. Conditions will be imposed and/or a planning obligation entered into to secure the implementation of such a scheme at the appropriate time in the development process, and to otherwise restrict and control the development.

The council's Environmental Health department have been consulted and have stated that, given the historic use as a railway close to the site, there is the potential for it to have been affected by contaminants such as metals, petroleum hydrocarbons and PAHs, and a full suite of contamination conditions is recommended. However, it is considered, given the land has formed amenity space for some time, that the condition is unreasonable. Instead, a monitoring condition that would require the developer stop work and report any unforeseen contamination is considered appropriate. Given the aforementioned mitigation, it is considered that the proposal would align with policy DS7 of the North Lincolnshire Local Plan.

With regard to drainage, the Lead Local Flood Authority, Severn Trent Water and the Isle of Axholme Drainage Board have all been consulted and no objections have been raised; however, informatives and conditions are recommended to advise and control any subsequent drainage proposal.

Conclusion

The proposal is located within a sustainable location and serves to increase the number and variety of dwellings offered in the locality. It is not considered that there would be any adverse impacts upon residential amenity or upon the character of the area from the proposal itself. As such, it is considered that permission should be granted.

Pre-commencement conditions

The pre-commencement conditions included within the recommendation have been agreed with the applicant.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

In the interests of controlling potential contamination and to ensure that the site is safe for its end use, in accordance with policy DS7.

6.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of the vehicle parking space(s) within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

7.

Adequate vehicle access and parking facilities serving the existing dwelling shall be retained in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

8.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

9.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

10.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

11.

No development shall take place until ground investigation details to support the feasibility of infiltration for the site have been submitted to and approved in writing by the local planning authority. Infiltration tests should comprise full-scale tests to demonstrate long-term effectiveness and suitability.

Reason

To prevent the increased risk of flooding to themselves and others, in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

Informative 1

Geological records indicate the site to be underlain by clays, silts and mudstones, which are relatively impermeable deposits.

Severn Trent Water advise that although statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011.

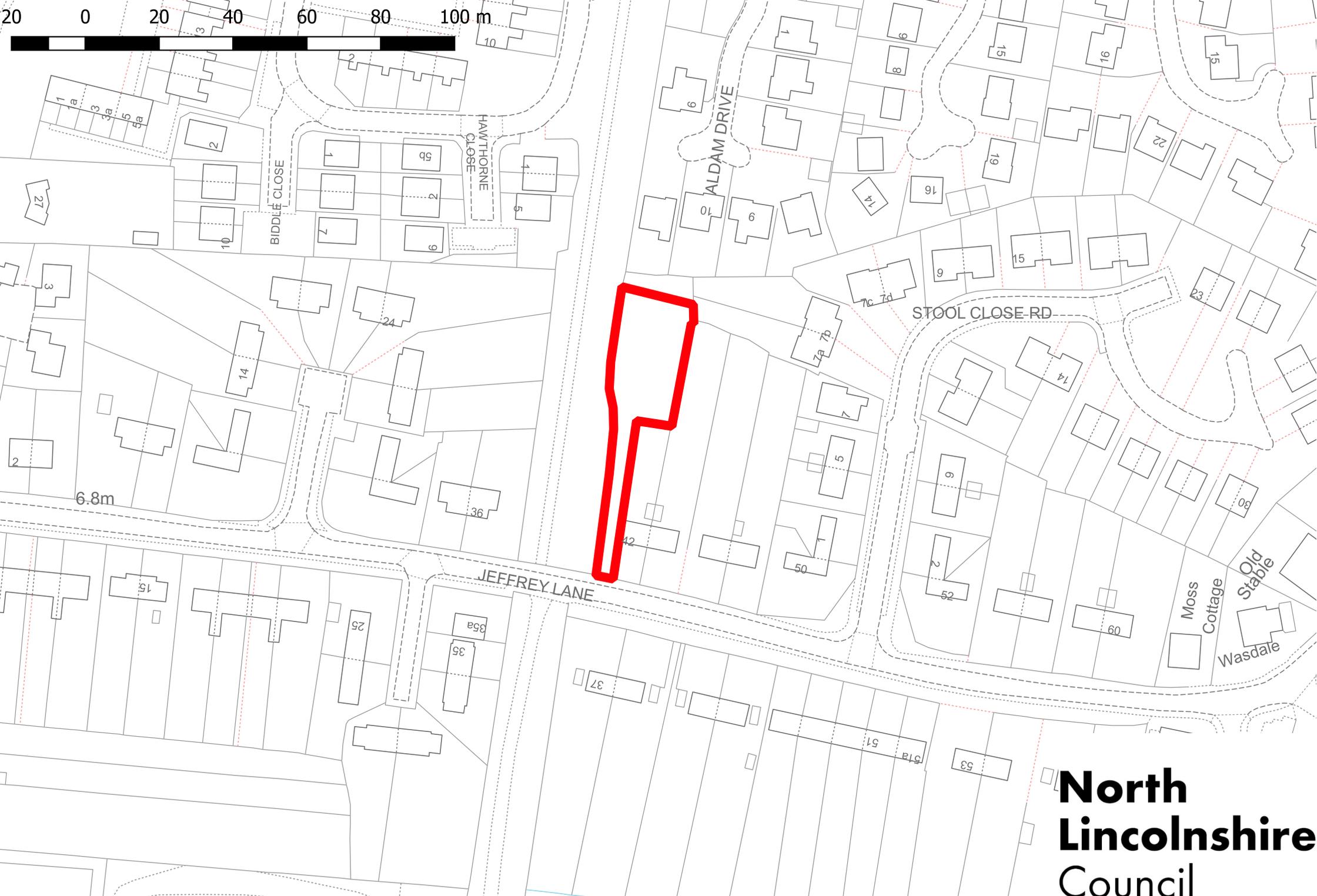
Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the building.

Should you require any further information please contact Severn Trent Water to discuss.

Informative 2

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.



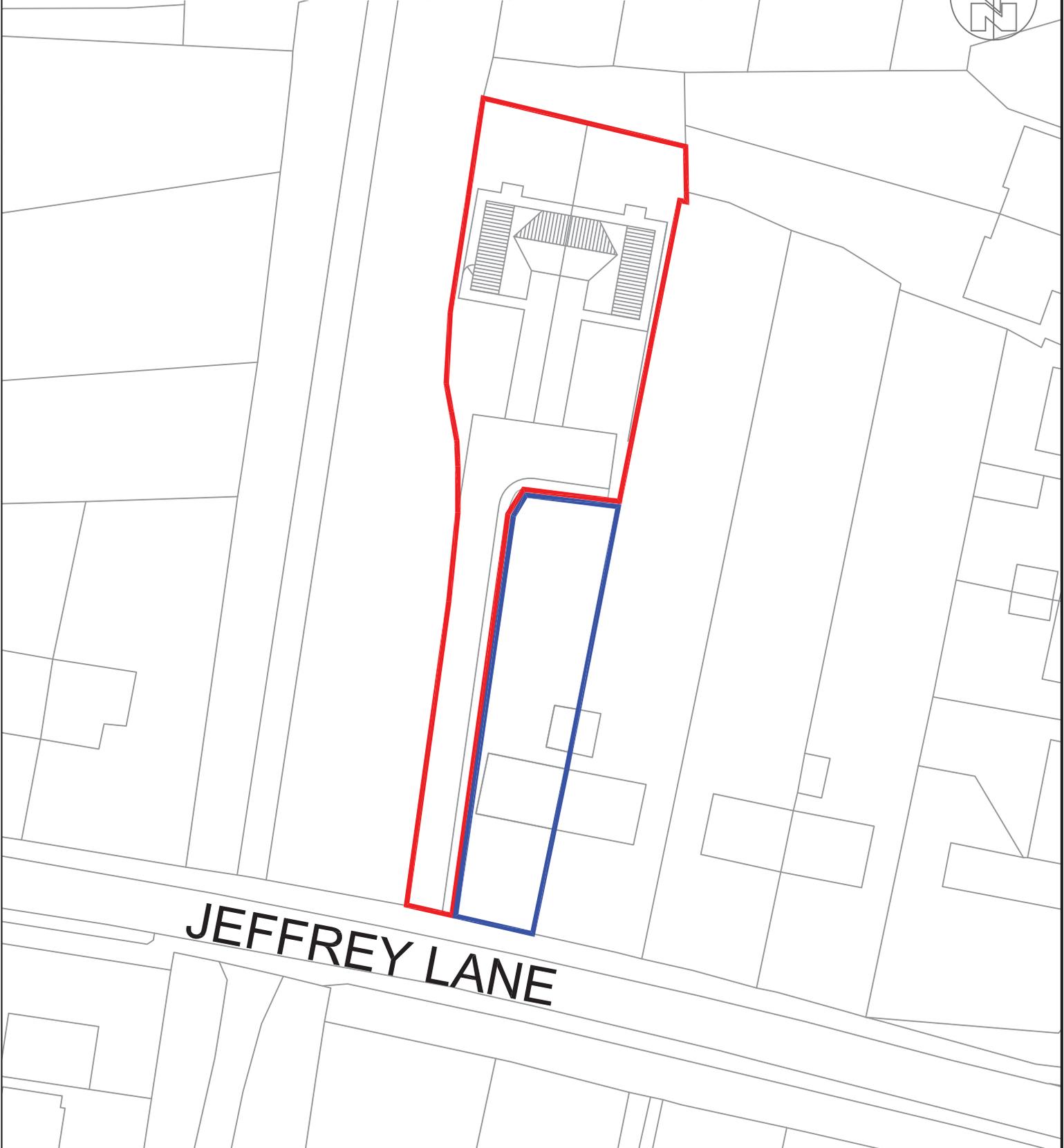
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**North
Lincolnshire
Council**

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PA/2020/1511 Indicative layout (not to scale)



JEFFREY LANE

Drawing Title		
SITE PLAN JEFFREY LANE, BELTON		
Ref.	Scale @ A4	Date
LNJL 004	1:500	SEPT/20



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